

Ms. Carol Collier
Executive Director
Delaware River Basin Commission
25 State Police Drive
PO Box 7360
West Trenton, NJ 08628-0360

Re: Targets for TMDLs for PCBs for the Delaware Estuary

Dear Ms. Collier:

Thank you for your March 27, 2003 letter seeking EPA concurrence on the applicable water quality standards for use in the development of the PCB TMDL for the Delaware Estuary. As your letter summarizes, modeling for the Stage 1 PCB TMDL that will be established by EPA on or before December 15, 2003 will begin on April 15, 2003. Your letter requests that EPA provide concurrence on the use of the current Delaware River Basin Commission (DRBC) human health water quality criteria for PCBs of 44 pg/l in the upper estuary and 7.9 pg/l in the portion of the estuary below the Delaware Memorial Bridge as the appropriate PCB water quality standards to use for this Stage 1 TMDL.

As you mentioned in your letter, the New Jersey Department of Environmental Protection (NJDEP) is currently in the process of completing its adoption of Statewide wildlife criteria for mercury, DDT and PCBs. Also as discussed, the New Jersey wildlife criterion of 72 pg/L, which is to be implemented at a design flow of 90Q10, would represent the most stringent criterion in effect for the Delaware Estuary.

NJDEP has informed EPA that while it is proceeding with its adoption of the above-referenced wildlife criteria, these criteria will not become operative prior to December 15, 2003.

As EPA has stated in the past, the pertinent regulations require that a TMDL be established at levels necessary to attain and maintain the applicable narrative and numeric water quality standards that are in effect at the time a TMDL is approved by EPA. 40 C.F.R. 130.7(c)(1).

Therefore, DRBC's human health water quality criteria for PCBs of 44 pg/l in the upper estuary and 7.9 pg/l in the portion of the estuary below the Delaware Memorial Bridge represent the appropriate PCB water quality standards to use for this Stage 1 TMDL.

As you are aware, a Stage 2 TMDL is scheduled to be completed by December 31, 2005. The Stage 2 TMDL will again be based on the most stringent applicable criteria in effect at the time that the Stage 2 TMDL is approved by EPA. Such a water quality standard may either be the New Jersey wildlife criterion for PCBs or a more stringent criterion which is adopted after the establishment of the Stage 1 TMDL.

We look forward to the completion of the Stage 1 TMDL modeling task by DRBC by June 30, 2003. Should you have any questions on this subject, you may direct them to Joe Piotrowski of Region III at 215-814-5715 or Kevin Bricke of Region II at 212-637-3736.

Sincerely,

Jane Kenny
Regional Administrator
Region II

Donald Welsh
Regional Administrator
Region III

bcc: Joseph Piotrowski, EPA-R3
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